

REMARKS

Reconsideration and continuing examination of the above-identified application is respectfully requested in view of the amendments above and the discussion that follows.

Previously withdrawn claims 1 through 10 and 21 through 27 have been cancelled in view of the finality of the restriction requirement. Claims 13 and 14 have also been cancelled. Claims 11 and 17 have been amended as discussed below. Claims 11-12 and 15-19 are in the case and are before the Examiner.

1. The Amendments

Claims 1 through 10 and 21 through 27 have been cancelled in view of the finality of the restriction requirement. These cancellations are made without prejudice to those claims being presented again in a continuing application.

Claim 11 has been amended by replacing the definition for the R² substituent as originally written with that of claim 13, and the definition of the R³ substituent with that of claim 14, plus a small further amendment. That small further amendment is the deletion of the letter "e" that was just noticed to be present in the claim. That same "small" amendment has been made to original claim 17. Claims 13 and 14 have been cancelled as being redundant. It is thus seen that no new matter has been added.

2. Information Disclosure Statement

The presence of two numbered paragraphs concerning the Information Disclosure Statement (IDS) is not understood. This

lack of understanding is due to the fact that the IDS that was filed indicated that the listed documents were discussed in the specification. If there were any document that was submitted and not considered, the undersigned would be appreciative of knowing to which document the statement in paragraph 10 is directed.

3. The Action--Rejection Under 35 U.S.C. § 102

The Action rejected all of the elected claims (11-20) over the disclosures of U.S. Patent No. 4,053,538 to Herweh et al., hereinafter Herweh, with specific direction to the disclosures at column 3, lines 60-67 and the first paragraph of column 4. That patent, and particularly those noted sections, teaches a substantially linear polymer and monomer that include a 1,3,5-trisubstituted-1,3,5-triazine-2,4,6-trione in which at least two of the substituents contain reacted or unreacted carboxylic acid moieties, respectively. This basis for rejection is respectfully traversed as is discussed below.

It is respectfully submitted that the Herweh disclosures are directed solely to the preparation and use of 1,3,5-trisubstituted-1,3,5-triazine-2,4,6-trione compounds in which two carboxyl functions are present. Indeed, dicarboxylates are also the only compounds shown in the CAPLUS print out that was provided with the Action. It is therefore submitted that original claims 17, 18, 19 and 20 that do not include dicarboxylate compounds were mistakenly rejected as being anticipated by the disclosures of the relied-on patent, and that that rejection should be withdrawn. It is further submitted that there is no basis present in the Action for one of ordinary skill in the art to alter the structure of a

compound of the relied-on patent to adapt it to the subject matter claimed here, so the claimed compounds are also not obvious.

It is respectfully believed that the present amendments to claim 11 have made the rejection moot as to claims 11, 12, 15 and 16 inasmuch as a compound of the amended claims is other than a dicarboxyl-containing compound as disclosed by Herweh. Again, there is no basis in the relied-on art to adapt a compound disclosed in the relied-on patent to transform it into a compound of the amended claims so that the subject matter of claims 11, 12, 15 and 16 would also not be obvious to a worker of ordinary skill in this art.

4. Summary


The previously withdrawn claims have been cancelled, as have claims 13 and 14. Claims 11 and 17 have been amended. Each basis for rejection has been dealt with and overcome or otherwise made moot.

It is therefore believed that this application is in condition for an action on the merits and for allowance of all of the claims. An early notice to that effect is earnestly solicited.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition. This paper is being filed in duplicate.

The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,

By 
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CERTIFICATE OF MAILING

I hereby certify that this Election in duplicate, is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 11, 2003.


Edward P. Gamson